

## **SECTION 900: SUBDIVISION ORDINANCE AMENDMENT APPLICATIONS**

### **Section 901—Intent and Purpose:**

It is the intent of this Ordinance that a Subdivision Ordinance Text Amendment Application decision be a discretionary action by the Council, acting as the Land Use Authority. A decision by the Council related to a Subdivision Ordinance Text Amendment Application shall be accompanied by findings of fact, following the receipt of a Commission recommendation, such recommendation also being accompanied by findings of fact.

For the purposes of this Ordinance, the procedures and requirements for the consideration of Subdivision Ordinance Text Amendment Application are provided to comply with the requirements of the Act, and to allow for the consideration of all items related to the proposed Subdivision Ordinance Text Amendment Application. The Commission shall identify and address all items applicable to a Subdivision Ordinance Text Amendment Application prior to providing a recommendation to the Council.

The Council shall identify and address all items applicable to a Subdivision Ordinance Text Amendment Application prior to approving, approving with requirements, or denying the Subdivision Ordinance Text Amendment Application.

### **Section 902—Subdivision Ordinance Text Amendment Application – Council identified as the Land Use Authority – Commission Recommendation Required:**

1. The Council is hereby identified as the Land Use Authority for Subdivision Ordinance Text Amendment Applications.
2. Prior to the Council considering a Subdivision Ordinance Text Amendment Application, and as required by the Act, the Commission shall conduct a public hearing, complying with the notice requirements in Section 500 herein and shall transmit a recommendation to the Council for consideration. The review procedures for the consideration of a Subdivision Ordinance Text Amendment Application are identified in Figure 3 herein.

### **Section 903—Subdivision Ordinance Text Amendment Applications – Application Requirements:**

All Subdivision Ordinance Text Amendment Applications, filed in the Office of the Town Planner, shall provide the following information:

1. **Application Form.** A Subdivision Ordinance Text Amendment Application Form completed and signed by the Applicant for the proposed Subdivision Ordinance Text Amendment.
2. **Subdivision Ordinance Text Amendment Application Fees.** The Subdivision Ordinance Text Amendment Application shall include the payment of all Subdivision Ordinance Text Amendment Application fees, as established the Council, and any total amount, or deposit amount, required to provide the services of the Town Engineer, as provided and required by Section 904 herein.
3. Identification of the Section Number of the Subdivision Ordinance proposed to be amended.
4. A detailed statement of the objective of the proposed Subdivision Ordinance Text Amendment, clearly identifying the weakness and deficiencies of the existing Section proposed to be amended, and citing any Goals and Policies of the Town, including those contained within the Vineyard Town General Plan, that supports the proposed Subdivision Ordinance Text Amendment.
5. Any other information and materials, considered by the Applicant, necessary to support the proposed Subdivision Ordinance Text Amendment.

**Section 904—Subdivision Ordinance Amendment Application – Engineering Review Fees:**

The Applicant for Subdivision Ordinance Text Amendment approval shall pay all costs incurred by the Town for the provision of Town Engineering services necessary to review the Subdivision Ordinance Text Amendment Application materials, as necessary, for conformity to the requirements of this Ordinance, and other Land Use Ordinances and requirements, as applicable and accepted engineering practice.

**Section 905—Planner to Determine a Complete Subdivision Ordinance Text Amendment Application:**

Prior to the consideration of the Subdivision Ordinance Text Amendment Application by the DRC, Commission, or Council, the Planner shall determine and find that the Subdivision Ordinance Text Amendment Application is complete and contains all application materials as required herein. (See Figure 1)

**Section 906—Determination of an Incomplete Subdivision Ordinance Text Amendment Application:**

The lack of any information required for a Subdivision Ordinance Text Amendment Application, as required by this Ordinance, shall be cause for the Planner to find the Subdivision Ordinance Text Amendment Application incomplete.

A Planner determination of an incomplete Subdivision Ordinance Text Amendment Application shall prohibit the Town Staff, Commission, or Council from considering any material, items or other information related to the Subdivision Ordinance Text Amendment Application. The Planner shall notify the Applicant(s), in writing, of the required information lacking from the Subdivision Ordinance Text Amendment Application. The Planner shall allow thirty (30) calendar days, from the date of notification of an incomplete Subdivision Ordinance Text Amendment Application, for the Applicant(s) to provide the required information to the Town. If the Subdivision Ordinance Text Amendment Application remains incomplete after a maximum of thirty (30) days from date of notification, the Planner shall return the entire incomplete Subdivision Ordinance Text Amendment Application to the Applicant(s), accompanied by any Subdivision Ordinance Text Amendment Application fees paid.

#### **Section 907—Appeal of a Determination of Application Completeness Decision by the Planner:**

Any person aggrieved by a decision of the Planner related to a Determination of Application Completeness may appeal the decision to the Commission.

#### **Section 908—Subdivision Ordinance Text Amendment Application Review Procedures:**

1. As provided by Section 902, the Council is designated as the Land Use Authority for all Subdivision Ordinance Text Amendment Applications.
2. The review and approval procedures for a Subdivision Ordinance Text Amendment Application are identified in Figure 3 herein.
3. **Staff Review.** Prior to the Commission considering the Subdivision Ordinance Text Amendment Application at a Public Hearing, as required by this Section, the Town Planner shall review the Subdivision Ordinance Text Amendment Application for compliance to the requirements of this Ordinance and other Land Use Ordinances and requirements, as applicable. A Staff recommendation shall be provided to the Commission and Council for consideration.
4. **Staff Comments and Recommendations.** Any Staff review comments and Staff recommendations provided to the Commission and Council for consideration related to the Subdivision Ordinance Text Amendment Application shall also be provided to the Applicant, a minimum of three (3) business days, before the Subdivision Ordinance Text Amendment Application is considered by the Commission or Council, as applicable.

5. **Commission Public Hearing Required.** As required by the Act, and prior to the Council considering the Subdivision Ordinance Text Amendment Application, the Commission shall conduct a public hearing on the Subdivision Ordinance Text Amendment Application. Notice of the Commission Public Hearing shall be provided as required by Section 502 herein.
6. **Commission Recommendation Required.** Following the close of the public hearing, the Commission shall consider all information and input received. As required by the Act, the Commission shall formulate and transmit a recommendation to the Council on the Subdivision Ordinance Text Amendment Application for consideration.
  - a. The Commission may recommend approval of the Subdivision Ordinance Text Amendment Application, as presented, recommend approval of the Subdivision Ordinance Text Amendment Application with requirements, or recommend denial of the Subdivision Ordinance Text Amendment Application, with findings.
7. **Council Public Hearing Required.** Prior to the Council considering a Subdivision Ordinance Text Amendment Application, the Council shall conduct a public hearing on the Subdivision Ordinance Text Amendment Application. Notice of the Council Public Hearing shall be provided as required by Chapter 502 herein.
8. **Council Review.** Following the close of the public hearing, the Council shall consider the Commission recommendation all information and input received. The Council shall consider a Subdivision Ordinance Text Amendment Application at a regularly scheduled Council meeting.
9. **Council Decision.** Following the consideration of the Subdivision Ordinance Text Amendment Application, and all information and materials presented, including the Commission recommendation, the Council may adopt or reject the Subdivision Ordinance Text Amendment Application as proposed by the Commission or after making any revision the Council considers appropriate, approve the Subdivision Ordinance Text Amendment Application, as presented, approve the Subdivision Ordinance Text Amendment Application with requirements, or deny the Subdivision Ordinance Amendment Application with findings. A decision by the Council to amend the Subdivision Ordinance, with or without requirements, shall be by the Council's passage of an Ordinance clearly identifying the Sections of the Subdivision Ordinance to be amended, the nature of the amendments, and the effective date of such amendments.

**Section 909—Effect of Approval, with or without requirements, of a Subdivision Ordinance Text Amendment Application – Adopting Ordinance Required:**

1. The passage of an Ordinance by the Council, as required herein, approving a Subdivision Ordinance Text Amendment Application, with or without requirements,

shall not constitute approval of any subdivision by the Council. A Subdivision Ordinance Text Amendment Application approval shall not authorize the division or development of land.

2. Passage of an Ordinance by the Council approving a Subdivision Ordinance Text Amendment Application, with or without requirements, shall amend the Subdivision Ordinance on the effective date, as provided by the adopting Ordinance.

**Section 910—Appeal of Subdivision Ordinance Text Amendment Application Decisions:**

Any person aggrieved by a decision of the Council for a Subdivision Ordinance Text Amendment Application may appeal the decision to District Court, as provided by Chapter 26 of the Vineyard Town Zoning Ordinance.

**FIGURE 5**  
**SUBDIVISION ORDINANCE AMENDMENT APPLICATION**

A Subdivision Ordinance Amendment Application is filed with Planner. The Planner determines application completeness.

Planner Schedules a Public Hearing with Commission providing a minimum of ten (10) days notice.

Commission conducts Public Hearing for a Subdivision Ordinance Amendment Application. The Commission considers all information received and formulates a recommendation. Commission approves recommendation and transmits to Council by motion.

Planner schedules Public Hearing with Council on Commission Recommendation, providing a minimum of ten (10) days notice.

Council conducts and closes Public Hearing on Commission Recommendation. At a subsequent meeting(s), Council considers Commission Recommendation, the Application, and all relevant information received. All Subdivision Ordinance Amendment Applications approved by Council by Ordinance.